

**CITY OF CANANDAIGUA
ZONING BOARD OF APPEALS
COURT ROOM, CITY HALL
April 19, 2016**

PRESENT: Ryan Akin, Chair Lloyd Peterson
Michelle Albrecht, Vice Chair Joseph Bader
James Hitchcock

ABSENT: Dwight Symonds
Andrew Cotter

ALSO PRESENT: Richard E. Brown, Zoning Officer

CALL TO ORDER:

Chairperson Akin called to order the regular meeting of the Zoning Board of Appeals at 7:00 P.M.

APPROVAL OF MINUTES:

Chairperson Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of March 18, 2016. Ms. Albrecht moved to approve the minutes as written. Mr. Bader seconded the motion, which carried by voice vote (5-0).

REVIEW OF APPLICATIONS:

ITEM 1 Application #16-070: 240 Davidson Avenue, HARLON SPOLLIO, requesting Area Variances necessary to convert an existing two-family dwelling into a three-family dwelling. In accordance with the Municipal Code of the City of Canandaigua:

	<u>Minimum</u>	<u>Provided</u>	<u>Variance</u>
Lot Area	9,000 SF	7,493 SF	1,507 SF
Lot Width	75 ft.	56 ft.	11 ft.
Front Setback	25 ft.	19.6 ft.	5.4 ft.
Side yard Setback	8 ft.	2.9 ft.	5.1 ft.
Total Side yard Setbacks	20 ft.	10 ft.	10 ft.
Min. Area 1-Bedroom Apt.	650 SF	620 SF	30 SF

Harlon Spollio presented the application. He said that he had recently purchased the property that has two-dwelling units, one of which operated as a home office. His plan is to convert this office space into a third dwelling unit; consisting of a one-bedroom apartment. There will be no addition to the structure and no change to the exterior.

Chairperson Akin opened the public hearing.

Nancy Bonk, 250 Davison, spoke in support of the application. She said her house is about three feet away and she just wanted to make sure they were not increasing the footprint. Although she has some concerns about the parking she is not concerned with the overall use.

Seeing on one else, Chairperson Akin closed the public hearing.

The board proceeded with questions to the applicant. Chairperson Akin reminded the Board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Hitchcock said he did not see an impact to the neighborhood.

Mr. Bader agreed and said that the office probably created more traffic than would the apartment.

Mr. Peterson noted that the office had not operated for more than four years, so there would be some change from the current situation.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Mr. Bader said that there was no other feasible method of creating the apartment, since all the conditions are existing.

Chairperson Akin agreed.

Mr. Bader noted that the applicant also owns the adjacent property. By combining the lots, they could satisfy some of the lot requirements. However, this method would not be preferable to the owner.

Regarding question #3: *Show that the requested variance is not substantial.*

Mr. Bader said that the lot requirements are rather significant, but not the apartment size and that the lot sizes are again preexisting.

There was discussion about parking. No variance is required since the site plan shows that the required five cars can be located in the driveway. Although this is not a very practical solution, it is not one that requires a variance.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Chairman Akin said that since there was no change to the building footprint, there would be no significant environmental impact.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Mr. Bader said that the hardship was self-created because the buyer was aware of these conditions when he purchased the property.

Chairman Akin called for a motion.

Mr. Bader moved for **approval** of the variances, finding that the benefit of the variances to the applicant outweigh the detriment of the variances to the neighborhood for the following reasons;

- #1 The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2 The benefit sought by the applicant cannot be achieved by other feasible means that do not require a variance;
- #3 The variance is not substantial, based on the conditions of the site.
- #4 The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.
- #5 The hardship is not self-created.

Ms. Albrecht seconded the motion, which **carried** with a roll call vote of 5-0:

Lloyd Peterson	Voting	YES
Michele Albrecht	Voting	YES
Dwight Symonds	Absent	
Andrew Cotter	Absent	
James Hitchcock	Voting	YES
Joseph Bader	Voting	YES
Ryan Akin	Voting	YES

ADJOURNMENT:

Mr. Hitchcock moved to adjourn the meeting at 7:20 P.M., seconded by Mr. Bader and carried with a voice vote (5-0).

Richard E. Brown, Secretary

Ryan Akin, Chairperson